

INDIGENT LEGAL SERVICES BOARD

AGENDA

June 19, 2015

Association of the Bar of the City of New York

- I. Opening Remarks by the Chief Judge**
- II. Approval of Minutes from April 10, 2015 Board Meeting**
- III. Preview of Proposed *New York State Office of Indigent Legal Services Parental Representation Standards and Best Practices* (Angela Burton, Director of Quality Enhancement for Parental Representation) 11:00 - 11:15**
- IV. Status of *Hurrell-Harring* Settlement Implementation (Bill Leahy and Joe Wierschem) 11:15 - 11:30**
- V. Schedule of Remaining 2015 Board Meetings**
 - Friday, September 25
 - Friday, November 6
- VI. Executive Session 11:30 - noon**

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(as of June 15, 2015)

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- C. Continuing Legal Education and Periodic Evaluation of Attorneys

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Minutes for ILS Board Meeting

April 10, 2015

11:00 A.M.

Association of the Bar of the City of New York

Board Members Present: Chief Judge Lippman, Mike Breslin (via telephone), Carmen Ciparick, Sheila DiTullio, Vince Doyle, John Dunne and Joe Mareane

ILS Office Attendee(s): Bill Leahy, Joseph Wierschem and Joanne Macri

I. Opening Remarks by the Chief Judge

The Chief Judge welcomed and thanked all for attending.

II. Approval of Minutes from the April 10, 2015 Board Meeting

The Chief Judge inquired whether the board members had received copies of the minutes from the prior meeting. The board members acknowledged that they had in fact received the minutes. The Chief then asked the Board to vote to approve the minutes.

John Dunne moved to approve the minutes; his motion was seconded by Vince Doyle and unanimously approved by the board members in attendance.

III. FY 2015-2016 Approved Budget: Review and Discussion

The Chief Judge began by noting that Governor Cuomo is fiscally conscious. He then went on to say that the *Hurrell-Harring* settlement has made the Office's budget more of a focus. And, while the settlement only applies to 5 counties, there are still 57 others that are affected by the Office's budget.

The Chief Judge encouraged the Board and the Office not to be discouraged by the budget outcome. He stated that the ILS issues are at the forefront. But, he also reiterated what he said at the State of the Judiciary - only 5 counties have acceptable standards. The hard work must continue until that spreads to all counties.

The Chief then reminded everyone that the budget is a product of state government. More money is needed to achieve the goals of the Office and the Board and state partners are well aware of that.

Bill Leahy then added that there was a great deal of energetic political support during the budget process. Yet, the outcome was deeply disappointing.

Bill mentioned that NYS County Attorneys Association will be hosting a Fall program exploring what *Hurrell-Harring* means for both the lawsuit counties and the non-lawsuit counties. The panel will include Bill Leahy and Joe Wierschem as well as county attorneys from both lawsuit and non-lawsuit counties.

In addition, the Office will be producing implementation reports that will cover costs associated with having attorneys at all arraignments, conducting attorney visits, making experts available, etc.

The Chief Judge cautioned that for obvious fiscal reasons, these improvements cannot happen all at once.

Bill's 5-Year Plan for a statewide solution received strong support from Senator DeFrancisco. He also noted that getting the necessary funding for reform was at the top of NYSAC's list this budget year. It was also strongly supported by NYSDA and the Chief Defenders Association of New York.

Vince Doyle inquired whether further litigation is being considered by other counties. Bill answered that it's been talked about but doesn't seem imminent.

Sheila DiTullio then asked whether it's part of the process to reach out to county legislators and leaders. Bill said absolutely yes. He is working with John Dunne to reach out to more senators, and he will be contacting members of the Board to accompany him to meetings with Assembly and Senate members in their home district offices.

IV. Status of and Planning for Regional Assistance Immigration Centers: *Presented by Joanne Macri*

Joanne Macri, the Office's Director of Regional Initiatives, addressed the board with respect to the status of the RFP (Request for Proposals) for the creation of six Regional Immigration Assistance Centers. The goal of the centers is to provide statewide training and advice and support for every lawyer who represents clients in mandated representation cases in criminal or family courts. The RFPs must be county proposals with necessary collaborations. This has created natural partnerships and dialogues among the counties.

Joanne began by noting that practitioners have been grappling with the immigration and *Padilla* consequences since 2010. She then said that the issues actually arose in 1996 with the passage of AEDPA (Antiterrorism and Effective Death Penalty Act). Joanne happily reported that there has already been incredible progress in many counties with the assistance of funding from ILS. In particular, Westchester, Nassau and Suffolk Counties have immigration attorneys on staff.

Bill commended Joanne for her hard work. The RFP and requests were the

result of a tremendous level of preparation. He noted that bids were received from every region.

John Dunne added that this was “an extraordinary piece of work.” And, the Chief Judge also commended Joanne for her “spectacular work.”

V. Status of *Hurrell-Harring* Settlement Implementation

Bill began by noting that the final settlement agreement was signed by Judge Connolly on March 11, 2015, which becomes the “effective date” of the settlement. He then explained that he created five teams with his 10-member staff. The teams will address: counsel at first appearance, caseload reduction, case tracking, quality improvement and eligibility standards. Until a Chief Implementation Attorney is hired, Counsel Joe Wierschem is filling that role.

The Office is working on a single-source contract (as opposed to an RFP) with NYSDA regarding case tracking because they already have a system tailored to NYS that can collect data and produce reports.

The Office has already met with Washington, Onondaga and Ontario and will meet shortly with Schuyler and Suffolk Counties.

With respect to caseload studies, Bill noted that they are looking to Missouri and Texas’ experiences because they have already done studies.

Mike Breslin noted that the counties are wary because they want to see funding for improvements before they commit to any undertakings. He also said that it would be great to combine efforts with court reform in the area of centralized arraignments.

Bill concluded by noting that the Chief Implementation Attorney posting closed on April 3. And, the other four attorney postings should be posted the week of April 13. He hopes to add three paralegal postings in May.

VI. Brief Report on Standards, Distributions and RFPs

- The ILS Fact Sheet prepared by Joe Wierschem was distributed. It included the usual summary of the “Level Funding for Counties” in the form of five non-competitive distributions in amounts sufficient to restore every county and New York City to the level of funding received in 2010. In addition, it outlined developments with the Competitive Grants authorized by the Board in furtherance of: counsel at first appearance, upstate quality improvement and caseload reduction, immigration regional resource centers, assigned counsel infrastructure program, wrongful conviction prevention center and upstate parental representation office.

And, finally, it summarized the current status of quality enhancement non-competitive distributions #1 through #5.

- Bill noted that some concerns were expressed regarding funding for the implementation of the Appellate Standards; Judge Ciparick said that she has been asked whether the standards are mandatory or aspirational. Bill quickly answered that they are not aspirational.
- Bill reported that the Parental Standards should be ready for the June meeting
- Finally, the Assigned Counsel Infrastructure RFP is in early development stages at the Office.

VII. Schedule of Remaining 2015 Board Meetings

- Friday, June 19
- Friday, September 25
- Friday, November 6

VIII. Concluding Remarks

The Chief Judge thanked everyone for attending.

The meeting was adjourned.